

**CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA**

**LIBRARY**

O.A/350/507/2021

Date of Order: 22.03.2021

**Coram:** Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

SMT. RITA RAY, wife of Shri Subrato Ray, aged about 48 years, residing at 26, Banerjeepara Street, Post Office and Police Station- Uttarpara, District- Hooghly, Pin-712258 and working as Office Superintendent in the Operation Department under the control and authority of Senior Divisional Operation Manager, Eastern Railway, Howrah Division under overall administrative supervision of the Divisional Railway Manager, Eastern Railway, Howrah Division.

...Applicant

Versus

1. Union of India service through the General Manager, Eastern Railway17, N.S. Road, Fairlie Place, Kolkata- 700001.
2. The Principal Chief Personnel Officer, Eastern Railway, Howrah Division, Post Office and District- Howrah- 711101.
3. The Divisional Railway Manager, Eastern Railway, Howrah Division, Post Office and District- Howrah- 711101.
4. The Additional Divisional Railway Manager, Eastern Railway, Howrah Division, Post Office and District- Howrah- 711101.
5. The Senior Divisional Operation Manager, Eastern Railway, Howrah Division, Post Office and District- Howrah- 711101.
6. The Senior Divisional Personnel Officer, Eastern Railway, Howrah Division, Post Office and District- Howrah- 711101.
7. The Station Inspector/Howrah, Eastern Railway, Howrah Division, Post Office and District- Howrah- 711101.
8. Shri Shib Das Mukherjee, the Office Superintendent working in the office of the Senior Divisional Operation Manager, Eastern Railway, Howrah Division, Post Office and District- Howrah- 711101.
9. Shri Manoj Pal, Traffic Inspector, Working in the office of the



Senior Divisional Operation Manager,  
Eastern Railway, Howrah Division,  
Post Office and District: Howrah 711101

...Respondents.

For The Applicant(s): Mr. P. C. Das, counsel  
Ms. T. Maity, counsel

For The Respondent(s): Mr. B. P. Manna, counsel

O R D E R (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both sides.

2. This application has been preferred to seek the following reliefs:

"a) To quash and/or set aside the impugned charge-sheet memorandum dated 17th February, 2021 issued by an incompetent authority i.e. Station Director/Howrah working under control and authority of the Senior Divisional Operation Manager, Howrah against the applicant with an allegation for functioning duty by the applicant on the basis of the verbal order instead of a written order being Annexure A-9 of this original application;

(b) To pass an appropriate order directing upon the respondent authority not to harass the present applicant in an inhuman manner and to allow her to resume in duty to the post of Office Superintendent in respect of doing the office works in the Trains Branch in the office of Senior Divisional Operation Manager, Eastern Railway, Howrah Division and under any circumstances, the authority concerned cannot enforce the applicant to do the illegal works on the basis of the verbal instructions instead of whatever assignment of duty is prescribed for performing to the post of Office Superintendent in the Railway Establishment Manual in terms of the decision of the Hon'ble Supreme Court in the case of O.K. Bhardwaj – vs- Union of India and others in Civil Appeal No. 12774 of 1996 dated 4th October, 1996 decided by the Hon'ble Supreme Court where the Hon'ble Apex Court held –'civil servants of the government office are not binding to do duties and responsibility on the basis of the verbal orders or instructions. The Hon'ble Supreme Court also held that the written order are necessary for fixing responsibility and ensure accountability in the functioning of civil servants and to uphold institutional integrity. Democracy requires an informed citizenry and transparency of formation.

(c) To declare that the entire minor penalty proceeding starting against the applicant from issuing the memorandum of charge- sheet and the allegations levelled against the applicant framed by the incompetent authority are baseless and concocted and also issued in utter violation of the Railway Rules and also on the ground of incompetent authority, the impugned chargesheet is not sustainable on the ground of technicality as well as merit which may be liable to be quashed and/or set aside in the eye of law and the respondents be directed to allow the applicant to perform her duty to the post of Office Superintendent in terms of the Railway Manual and in terms of the decision of the Hon'ble Supreme Court in the case of O.K. Bhardwaj –vs- Union of India and others in Civil Appeal No. 12774 of 1996 so that the applicant can perform her duties smoothly for the interest of the railway;

d) The respondents be further directed that on the basis of allegations of charge-sheet without holding any enquiry they cannot pass any punishment order and if any punishment order is imposed immediately after filing of this original application that may be set aside and/or quashed;

e) To pass an appropriate order directing upon the respondent authority that without holding any enquiry in terms of the decision of the Hon'ble Supreme Court in the case of



O.K. Bhardwaj -vs- Union of India and others in Civil Appeal No. 12774 of 1996, under any circumstances, the applicant cannot be punished because she has made representations one after another and denied and disputed all the allegations levelled against her and also she has prayed in her representations to issue written orders;"

3. At hearing, ld. counsel for the applicant would submit that he would be fairly satisfied if a direction is issued to the competent authority to consider and dispose of the pending representation in a time bound manner.
4. Ld. counsel for the respondents does not have any objection if a direction is issued to consider and dispose of in accordance with law.
5. Since the representation is yet to be disposed of and as no fruitful purpose would be served by calling for a reply in this matter unless the representations are decided by the competent authority, we dispose of the OA with a direction upon the competent authority to consider the representation, decide the claim of the applicant and issue a reasoned and speaking order in accordance with law within a period of 4 weeks from the date of receipt of copy of this order. In the event the applicant is found entitled to the relief as prayed for, an appropriate order in accordance with law be issued within the said period.
6. It is made clear that we have not entered into the merit of this matter and, therefore, all points are kept open for consideration.
7. Till such representation is disposed of, let no coercive action be taken against the applicant.
8. The OA accordingly stands disposed of. No costs.

(Nandita Chatterjee)  
Member (A)

(Bidisha Banerjee)  
Member (J)